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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,910	09/28/2005	Marco Bergemann	278178US0PCT	4573
22850	7590	10/28/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PO, MING CHEUNG	
			ART UNIT	PAPER NUMBER
			1797	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/31/2009 have been fully considered but they are not persuasive.

Applicant argues that KUMMER in view of KAISER does not disclose or suggest, alone or in combination a formulation wherein the solvent is selected from mixtures of: S1) at least one n- or iso-C10-C14 paraffin, S2) at least one C10-C14 naphthene; and wherein S1) and S2) are present in a mixing ratio of from 10:90 to 90:10. Applicant further argues that the benefits that KAISER teaches in the carrier fluid would not be present without the rest of the formulation that KAISER teaches which includes a suspension of ferromagnetic particles. Applicant quotes lines 8 to 12 of column in KAISER

Examiner disagrees. Although KUMMER does not seem to explicitly teach the solvent, KAISER does teach the solvent. Although not all benefits occur from the proper selection of the carrier fluid, certain benefits are taught by KAISER from the selection of the carrier fluid. KAISER teaches in lines 35-51 of column 2 that materials useful in carrier fluids are naphthenes and paraffins and that hydrocarbon mixtures would be preferred because of the lower pour point and a better controlled evaporation rate.

Applicant argues that one of ordinary skill in the art would not arrive at the conclusion that a mixture of naphthenes and paraffins should be used as the carrier fluid. Applicant further argues that KAISER does not teach the benefits of combining a

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paraffinic solvent with a naphthene solvent. Examiner disagrees. KAISER provides white oil as an example which is well known in the art to be a mixture of naphthenes and paraffins.

Applicant argues that KUMMER does not disclose a solvent mixtures as claimed. Examiner agrees. KAISER is relied upon to remedy the solvent mixture. Applicant argue4s that the two reference are nonanalogous art and one of ordinary skill in the art would not have considered the two references together. Examiner disagrees. KAISER teaches a ferrofluid composition that is to be useful in applying to fuel oils (**lines 20 -34 of column2**). KUMMER teaches certain fuel composition containing certain polyisobutylamines. Both are directed toward use with fuel oils.

Applicant argues that the results are unexpected by comparing a solvent mixture, Mihagol/LIAV, with a pure solvent, Mihagol. This is unpersuasive. Applicant is recommended to provide evidence that the solvent mixture with a ratio in the range claimed is significant when compared to a ratio that falls outside that range.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MING CHEUNG PO whose telephone number is (571)270-5552. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571)272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ming Cheung Po  
Patent Examiner

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/Cephia D. Toomer/

Primary Examiner, Art Unit 1797